

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF
TOXIC SUBSTANCES CONTROL,

Plaintiff, CIV-S-02-0018 GEB/JFM/GGH

vs.

BRIGHTON OIL COMPANY, et al.,

Defendants. ORDER

Pursuant to the court's order of September 28, 2005, Mid-Valley Development and its principal, Mr. Smith, along with attorney Jeffory Scharff, appeared before the undersigned. After an off the record discussion, it was agreed:

1. Mr. Scharff will not be withdrawing as counsel;

2. Mid-Valley Development will immediately pay its allotted share of the initial assessment;

3. Mid-Valley Development will discuss a potential payment plan for the second ordered assessment with the oversight committee;

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1 4. Mid Valley Development will permit access forthwith to Clayton as necessary;
2 the issue of "generator" liability is deferred pending further discussion of the parties or resolution
3 before the undersigned.

4 IT IS SO ORDERED.

5 DATED: 10/6/05

6 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWSS
8 UNITED STATES MAGISTRATE JUDGE

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